



# THE INTERIM

*A Monthly Newsletter of the Montana Legislative Branch*

Volume XV, No. 13

Helena, Montana

June 2006

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## STATE-TRIBAL RELATIONS COMMITTEE

Committee Travels to Blackfeet Reservation...In keeping with its tradition of visiting an Indian reservation every year, the State-Tribal Relations Committee traveled to the Blackfeet Reservation on Tuesday and Wednesday, May 9 and 10. The committee began its visit with a meeting with members of the Blackfeet Tribal Business Council and other tribal officials. It was an opportunity for the Blackfeet Tribe to discuss issues of mutual concern to the tribe and the state.

Education, property taxes, gambling, TANF discussed ..Rep. Carol Juneau provided the committee with information on how the new school funding approved during the December 2005 special session will affect the public schools that serve the reservation. She also provided some graduation data to show how many American Indian students do not finish high school in Montana. With regard to the Indian Education for All money, she requested that the committee propose legislation that requires school districts to use the money for Indian Education for All. Currently, a district can deposit the money in its general fund and use it for purposes other than Indian Education for All.

Mark Magee, Tribal Land Department, reported on a property tax dispute with the state. In the early 1980s, the tribe challenged the property taxation of tribally-owned fee land on the Blackfeet Reservation. In an out-of-court settlement the Blackfeet and the state agreed that the state and counties would not impose property taxes on tribal fee land unless specifically authorized to do so by Congress. In 1998, the U.S. Supreme Court issued an opinion on a similar situation in Minnesota. The court ruled that the state could impose property taxes on tribal fee land. As a result of that decision, Montana is now assessing taxes on tribal fee land. The tribe has refused to pay the taxes saying the assessment violates the out-of-court settlement. Tax liens have been placed on the land, which makes it impossible for the tribe to put the land into trust status. If tribal fee land is put into trust, school districts can collect impact aid. As is stands now, the schools are losing about \$285,000. The Blackfeet Tribe has entered negotiations with the state through the GAIN (Governor's American Indian Nations) Council but that has not been very productive in the eyes of the Blackfeet. The tribe requested the committee to introduce legislation that would exempt tribal fee land from taxation in the same way that land owned by local governments is exempt.

Roger Running Crane gave a brief history of gaming on the Blackfeet Reservation. Because the tribe does not have a gaming compact with the state, Class III gaming is not offered on the reservation. Running Crane said the state tries to force the same compact on every tribe and restricts the number of machines a tribe can have and the amount of the payouts a tribe can make. He said that one corporation in Montana has found a way to own numerous liquor licenses and hundreds of gaming machines and does not need a compact. This is unfair to Indian tribes. Running Crane would like to see legislation allowing tribes to offer expanded Class III gaming on reservations.

George Kipp reported on the money shortage that the Blackfeet TANF program is experiencing. The tribe is serving more people than they have money. The program will be short \$270,000 by September. Because of this shortage, all of the money is used for cash assistance and program administration. The tribe is unable to offer any

## THE INTERIM

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**THE INTERIM** is a monthly newsletter that reports on the interim activities of legislative committees, including the Legislative Council, the Environmental Quality Council, the Legislative Finance Committee, the Legislative Audit Committee, and interim legislative committees and subcommittees staffed by the Legislative Services Division. Information about the committees, including meeting schedules, agendas, and reports, is found at <http://www.leg.mt.gov>. Follow the "Committees" link or the "Interims" link to the relevant committee. The newsletter is posted on the legislative branch website on the first of each month (follow the "Publications" link).

A Publication of  **Legislative Services Division**

supportive services to its TANF clients. At the end of every quarter, the tribe has to carry the program until it is reimbursed by the state. The Blackfeet do not want to give the program back to the state; they want to save it. Kipp asked for a letter of support from the committee for a supplemental appropriation to DPHHS. This would address the problem in the short-run, but a long-term solution also has to be found.

Economic development important to tribe...Dennis Fitzpatrick made a PowerPoint presentation on the Siyeh Corporation. Siyeh is a tribally-chartered corporation responsible for developing business opportunities on the Blackfeet Reservation that will provide additional jobs for tribal members. Siyeh operates the Discovery Lodge Casino in Cut Bank, Star Link Cable, Kimi Bottled Water, Blackfeet Heritage Center and Art Gallery, and the Glacier Peaks Casino. Future projects include a grocery store, wireless internet, and a brand-new casino with restaurant, lounge, and gift shop.

George Heavy Runner, tribal planner, discussed the Blackfeet Tribe's participation in the Lewis & Clark Bicentennial Celebration. There will be a symposium in July in Browning that will commemorate Lewis & Clark in Blackfeet country. The "Tent of Many Voices", sponsored by the National Park Service, will be at North American Indian Days in Browning in also July. This display will focus on the role of Indians in the expedition, especially the Blackfeet.

Committee tours reservation...Following the meet-ing on Tuesday, the committee visited the Blackfeet Community College. On Wednesday, Sun Tours, a privately Indian-owned tour company, took the committee on a tour of part of the reservation. The committee visited the Museum of the Plains Indian, the Blackfeet Heritage Center and Art Gallery, and the construction site of the new casino. The committee then traveled to Babb for lunch and back to Browning through St. Mary's and Starr School.

Committee holds meeting...On Wednesday afternoon, the committee held a regular meeting. The committee discussed the issues presented by the Blackfeet on the previous day and asked staff to follow up with a report to the committee in July.

Committee visits private prison...On Thursday, May 11, the committee visited Crossroads Correctional Center in Shelby. Following a brief tour of the facility, the committee met with a few American Indian inmates to hear their concerns relating to the practice of their religion while incarcerated.

Final committee meeting scheduled for late July...The committee decided to hold its final meeting of the interim in July. It will be a two-day meeting on July 24 and 25. The first day will be devoted to final reports and updates on all of the issues discussed by the committee during the interim. On the second day, the committee will formulate its recommendations, including legislation, to the 2007

Legislature.

## STATE ADMINISTRATION AND VETERANS' AFFAIRS COMMITTEE

Committee plugs along with public retirement study...The State Administration and Veterans' Affairs Committee met May 12 in Helena. The focus of the meeting was to revisit issues pertinent to the HJR 42 study of the actuarial soundness of public retirement plans and to public employee retirement systems in general. Committee staff presented a list of issues on public employee retirement, and the committee briefly discussed the issues to decide if continued study of public employee retirement systems is necessary and advisable. The members agreed to individually select their respective top three priorities from among the issues and submit them to staff. Staff will compile the members' lists and attempt to identify priorities common to all members.

Committee adopts, rejects bill drafts on administrative rules and public participation...The committee completed review and action on several draft bills related to the adoption of administrative rules and to public participation. The committee agreed to recommend LC 9995, with revisions. That bill would provide for the payment of the expenses incurred by a private entity, group, or individual in a challenge to the adoption, amendment, or repeal of a rule proposed or adopted in intentional violation of the Montana Administrative Procedure Act. The committee rejected a draft bill (LC10002) that would have provided for civil actions for enforcement of open meeting and public participation statutes. The committee also rejected a draft bill (LC10003) that would have dealt with the reimbursement of costs and fees to enforce statutes regarding citizen participation in government. A motion to recommend a draft bill (LC9997) that would have specified the qualifications for the executive director of the Public Employee Retirement Administration failed. (Each of the draft bills is available on the committee's webpage.)

Other committee topics...The committee was informed of local efforts underway in Yellowstone County and Billings to establish a veterans' cemetery in Yellowstone County. However, funding for building or maintaining a cemetery is currently unavailable.

Staff from the secretary of state's office discussed the implementation of the Statewide Voter Registration System required under the federal Help America Vote Act. The staff is also working on the office's initiative to make the Administrative Rules of Montana more useful and more accessible online.

Committee to meet in June...The committee will meet June 22-23. The Committee will review legislative proposals and concepts offered by various state agencies, employee organizations, and other stakeholders. Anyone who wants to submit a proposal to revise any of the public

retirement systems should complete the form "Proposal for Retirement Plan Legislation" under the "Retirement Related Proposals" heading on the committee's webpage.

The tentative agenda for the June meeting will be posted to the committee's webpage as soon as it is available and will be kept updated as the meeting date approaches. Material to be presented by the committee's staff will also be posted to the webpage as soon as it is available. For additional information, contact Dave Bohyer, committee staff, at (406) 444-3064 or dbohyer@mt.gov.

## ECONOMIC AFFAIRS COMMITTEE

Protection against ID theft... Expecting some type of action in the 2007 Legislature on a bill to protect consumers from unauthorized access to their credit reports, the Economic Affairs Committee took initial votes at its May 12 meeting on contested issues to be included in a security freeze or credit freeze bill. A security freeze is one way to protect against identity theft. It allows consumers to stop others from accessing their credit report to sign up for new accounts in their name. A freeze does not stop existing creditors from reviewing the account.

The committee adopted some proposals from a bill draft presented by Attorney General Mike McGrath in February and some from the Consumer Data Industry Association, which represents the credit reporting agencies. The following provisions are to be included in a draft bill set for discussion at the July 14 Economic Affairs Committee meeting:

- As defined, a security freeze stops any unauthorized access to a credit report and is not just for stopping new extensions of credit.
- Freezes can be made either in writing by regular or certified mail or electronically.
- Temporary lifting of freezes can be for either a period of time or for a specific party.
- Each credit reporting agency can charge a fee of up to \$10 per freeze, thaw, or removal.
- Penalties are based on actual damages or between \$100 and \$1,000 for a consumer if a credit reporting agency willfully allows unauthorized access to a "frozen" account. Credit reporting agencies also are entitled to damages from a person who seeks a temporary lift or removal of a freeze under false pretenses.

Use of social security numbers... The committee has begun receiving responses to letters sent earlier this year to elected officials and representatives of higher education and local governments regarding how they use social security numbers. At the July meeting, staff will report on how governmental agencies use social security numbers; the

committee will discuss a committee-requested bill draft that prohibits public display of social security numbers.

At the May 12 meeting, Sergeant Detective Brian Fulford of the Kalispell Police Department and Helena attorney Bruce Spencer, representing himself and the Montana Automobile Dealers Association, provided the committee with pros and cons regarding the use or display of social security numbers. Fulford described how identity thieves use the Internet to access consumers' social security numbers, which they can use to open new accounts in the other consumers' name. Spencer said the use of social security numbers is important for various state agencies and the private sector, which uses the numbers to access credit reports and provide credit.

Other ID theft action... The committee asked staff to draft a bill that would help people who already have been victimized by ID thieves. The draft will include provisions related to jurisdiction, access to police reports, and clarifying who can access the Identity Theft Passport provided by the attorney general's office as verification that the person is an ID theft victim. The draft will be discussed at the July 14 meeting.

On the recommendation of a work group studying identity theft, the committee voted to request a bill draft expanding the provisions of HB 732, enacted in 2005, to government, including education agencies. HB 732 required the private sector to notify consumers if a computer data base containing personal identifying information is breached and to destroy records that are no longer needed.

Licensing board study... The subcommittee studying occupational and professional licensing boards decided at its May 11 meeting to consider legislation regarding some form of notice that would enable requesters of new licensing boards or programs to see the costs associated with licensing. So-called "sunrise" statutes in effect between 1987 and 1993 required potential licensees to respond to a series of questions, including whether licensing was needed to protect public health, safety, or welfare. Sen. Vicki Cocchiarella, the subcommittee chair, noted that some form of legislation also might be proposed regarding existing boards.

Economic development... Several people talked about economic development at the May 12 meeting:

Kaiser Mulla-Feroze of salesforce.com discussed the opportunities available for government and the private sector to use online software as a cost-effective way of tracking economic development or handling other data management.

Sen. Jeff Mangan highlighted private-sector activities on venture capital. Mangan also told the committee that the Department of Commerce is asking for funding in the next biennium to staff an Equity Capital Investment Board, created by SB 133 last session. He said the department is also seeking a test case to determine the constitutionality of SB 133.

Evan Barrett of the Governor's Office of Economic Development handed out a report on his office's activities

that was presented earlier this year to the Legislative Finance Committee. Barrett also commented on concerns about the impact of proposed mercury standards on the development of coal plants. The committee reviewed a letter from the Energy and Telecommunications Committee to the Board of Environmental Review on its mercury rule recommendation but took no action.

Other activities...The committee reviewed the rate charged by the Department of Commerce to the Montana Heritage Preservation and Development Commission.

The committee heard presentations on uninsured motorists from: Scott Lakin, representing a program called the insured vehicle identification network; Kent Wilcox of the Legislative Audit Division who summarized his audit on the problems of insuring the estimated 9 percent of Montana drivers without motor vehicle insurance; and Dean Roberts of the Motor Vehicle Division who noted that systems are under development that would allow detection of uninsured drivers without stopping their vehicles. A representative of the insurance industry also spoke and requested more time at the July meeting.

Next meeting July 14...In addition to considering committee bill drafts at its July 14 meeting, the committee will consider a bill draft that would revise definitions related to franchises in Title 61 in response to comments in a Montana Supreme Court opinion. The meeting is set for 8:30 a.m., July 14 in Room 102 of the Capitol. For more information, see the committee's webpage or contact Pat Murdo, committee staff, at (406) 444-3594 or pmurdo@mt.gov.

## REVENUE AND TRANSPORTATION COMMITTEE

Committee continues study of the property taxation of certain oil and gas property...The Revenue and Transportation Interim Committee met May 2 in Helena. Jeff Martin, committee staff, discussed a report that summarized the information the committee has considered for the HJR 44 study of the taxation of oil and natural gas production property, including flow lines and gathering lines of producers that are centrally assessed<sup>1</sup> by the Department of Revenue. The study has focused primarily on the classification and taxation of production property owned by Fidelity Exploration and Production Co., Omimex Canada, Ltd, and EnCana Energy Resources. These companies are centrally assessed by the Department of Revenue and are taxed at 12 percent of market value, compared to 3 percent for other production companies under the business equipment property classification. Omimex and EnCana purchased property previously owned by the Montana Power

Co., and Fidelity is part of the MDU Resources Group, Inc. Each of these companies has challenged the central assessment of its property.

The staff report presented a brief profile of each company (and Encore Operating Co., an oil production company) and discussed recent natural gas production trends and ownership changes of some of the larger gas producers in Montana. The report included several "discussion points" on the property taxation of certain production property for the committee's consideration and the concept of a reimbursement mechanism to local governments should the committee recommend revising the taxation on these properties.

John Alke, an attorney representing Fidelity, presented a bill draft that would provide for the local assessment of production property, including flow lines, gathering lines, and injection lines that cross county or state lines, of legal entities that are primarily oil and gas producers. The bill draft would also provide a phased-out reimbursement to local taxing jurisdictions for the reduction in revenue. Representatives of Encore, the Department of Revenue, and oil and gas producing counties commented on the proposal. The committee did not take action on the draft.

Qualified endowment credit...In 1997, the Legislature enacted a credit of up to \$10,000 for donations to a qualified charitable endowment. The legislation required the Department of Revenue to report annually to the Revenue and Transportation Committee on the status of the credit. Larry Finch, administrator, Tax Policy and Research, DOR, summarized the history of the credit. Individuals are allowed to take the credit for planned gifts while corporate and other business taxpayers are allowed the credit for cash gifts.

The rapid, and unexpected, growth of the credit combined with budget constraints led to a legislative reduction in 2001 in the percentage amount of the credit from 50% to 40% for individuals and from 50% to 20% for businesses. In tax year 2001, individuals claimed \$7.6 million in credits and businesses claimed slightly more than \$700,000. During the August 2002 special session, the Legislature reduced the percentage amount of the credit and the maximum allowable credit. This action may have contributed to a substantial decline (to \$1.7 million for individuals) in the credit taken in that tax year. During the 2003 session, the Legislature restored the credit to the levels established in 2001. According to Finch, the amount of the credit taken by individuals gradually increased to \$2.5 million in tax year 2004. The credit is due to expire Dec. 31, 2007.

Dan Bucks, director, DOR, told the committee that a recent department ruling clarified that the credit may be taken for contributions used for building projects. He said the "ruling tips on the thinnest of reeds", and the use of the credit will likely increase because of the ruling. Because of the effect of the ruling on the general fund, the Governor's Task Force of Endowed Philanthropy is looking at how to deal with the ruling. Legislation may be introduced to specify what an "appropriate investment" is to qualify for the credit.

<sup>1</sup>Central assessment, or the unit valuation of property, is the appraisal of the operating property of a company wherever the company is located in the U.S. and the allocation of a portion of the company's entire value to the state.

Bob Sivertsen, President of the Highway 2 Association, talked about the importance of an improved transportation system to economic development in northern Montana. A four-lane highway along the Highway 2 corridor would help revitalize the economy in the area. An improved highway would be safer for the traveling public, promote agriculture, the oil and gas industry, electrical energy development, and tourism. An expanded highway would also help the four Indian reservations along the corridor in economic development. According to Kitzenberg and Sivertsen, the new corridor would benefit the entire state.

Jim Lynch, director, Montana Department of Transportation, gave a PowerPoint presentation on certain aspects of highway safety. For the period 2001 through 2005, the largest number of fatalities occurred in single vehicle crashes. Lynch pointed out that about 50 percent of all fatalities involve the use of alcohol. Almost 750 fatalities during that period occurred on U.S. highways and state roads. Fatalities on the Interstate and county roads numbered a little over 200 each. Lynch also reported on nonscientific and on engineering speeding studies on several highways in the state, traffic enforcement activity on U.S. 191 between Four Corners and Big Sky, and the number of open container violations by county between Oct. 1, 2005, and May 1, 2006.

Access to tax information... Terry Johnson, principal analyst, Legislative Fiscal Division, told the committee that the LFD and Department of Revenue had signed a Memorandum of Understanding to facilitate the transfer of tax information from the department to the LFD. Access to tax information is important in developing revenue estimates for legislative sessions and for other purposes. A significant element of the MOU is maintaining the confidentiality of tax records, particularly as it relates to federal law. The memorandum is in effect for 6 years and may be modified to account for legislative changes and other circumstances. Dan Bucks said the department will have a Memorandum of Understanding with each state agency that has access to any tax information.

The committee also reviewed a bill draft to revise the provisions governing access to tax information and confidentiality of tax records. The bill would also allow the LFD and the governor's budget office access to more information from individual income tax returns and would clarify the penalties for unauthorized disclosure of tax information. The committee did not take action on the bill draft.

Other committee activities... The committee requested a bill draft that would allow the committee to revise revenue estimates for a special session and bill draft to deal with a "double reimbursement" to local governments related to the fee in lieu of property tax on heavy vehicles.

Jim Glantz requested the committee to introduce a resolution to study alcoholic beverage laws under Title 16. The committee will discuss the request at the next meeting in June.

June meeting scheduled... The committee is scheduled to meet June 29 and 30. The committee may meet only on June 30 depending on how the agenda shakes out. Information about the meeting will be posted to the committee's web page when available.

For more information about the Revenue and Transportation Committee, contact Jeff Martin, committee staff, at (406) 444-3595 or [jmartin@mt.gov](mailto:jmartin@mt.gov).

## ENVIRONMENTAL QUALITY COUNCIL

DEQ opposes MEIC proposed mining rule... The Department of Environmental Quality will oppose a proposed rule that would require mining companies to provide "clear and convincing" evidence that the new hard rock operations would not result in long-term water pollution, the agency director told the Environmental Quality Council at its May meeting.

Director Richard Opper said there are several problems with the rule proposed by the Montana Environmental Information Center. Opper said the regulation would not eliminate the possibility of long-term water problems, would be difficult for mining companies to meet, and could cause severe economic impacts.

Many problems of the past would not be likely to occur today, Opper said. The use of cyanide in gold and silver mining is banned, bonds are more closely reviewed for adequacy, and there is a better science to predict acid-producing overburden.

The proposed rule awaits a decision from the Board of Environmental Review.

Mercury emissions rule discussed... Opper also briefed the committee on a rule proposed by the department to deal with mercury emissions from power plants. The agency is coming up with rules and an enforcement program that would comply with federal law.

Although mercury occurs naturally in the environment, it also is a byproduct of burning coal. Air-borne mercury that settles to the earth becomes a highly toxic form that accumulates in fish, shellfish, and birds and other animals that consume fish, with concentrations increasing further up the food chain, according to the DEQ. The reason for the proposed rules, the agency contends, is that at high levels of exposure, the effects of mercury on birds and mammals may include reduced reproduction, slower growth and development, abnormal behavior, and death.

Subcommittees approve draft reports, legislation... The EQC subcommittees also met in May. All approved draft reports on interim activities and proposed legislation. The reports will be available for public comment and review from June 1 to June 30. The subcommittees will meet July 17 in Helena to consider the public input and make final recommendations to the EQC. To read the reports go to: [http://leg.state.mt.us/css/lepo/2005\\_2006/](http://leg.state.mt.us/css/lepo/2005_2006/).

Study subcommittee reviews changes to fire statutes, refers some proposals to ELG...On May 18, members of the HJR 10 work group and HJR 10 staff fielded questions from the EQC's Study subcommittee regarding six bill drafts resulting from the work group's review of fire-related statutes. The group has met monthly for nearly a year to complete its review and update. The subcommittee elected to submit all of the bill drafts for public comment and will consider those comments when it meets next on July 17. Individuals on EQC's mailing list and members of the HJR 10 work group will receive notice of the public comment period with instructions describing how to view the bills and submit comments.

At the work group's request, the subcommittee also recommended to the full EQC that the committee exercise its authority under section 5-5-202(3), MCA, which provides that:

[a]n interim committee or the environmental quality council may refer an issue to another committee that the referring committee determines to be more appropriate for the consideration of the issue. Upon the acceptance of the referred issue, the accepting committee shall consider the issue as if the issue were originally within its jurisdiction. If the committee that is referred an issue declines to accept the issue, the original committee retains jurisdiction.

The work group requested referral of two items from the EQC to the Local Government subcommittee of the Education and Local Government Committee: the wildland-urban interface and authority of fire chiefs under Title 7, chapter 33. Both of these subjects are part of the HJR 10 study, but because of EQC's accelerated schedule to accommodate public comment, the group was not able to fully discuss them or develop proposals for consideration by legislators. The EQC concurred with the subcommittee's recommendation. The work group intends to continue meeting over the summer and will report on its progress to the Local Government subcommittee, which meets next on June 12.

For more information about the HJR 10 study of wildland fire statutes and policies or to receive the public comment materials for the HJR 10 bills, contact Leanne Kurtz, HJR 10 staff, at (406) 444-3593 or [lekurtz@mt.gov](mailto:lekurtz@mt.gov).

State superfund study...Concern that superfund sites across Montana have serious impacts on communities and community infrastructure and that lack of timely superfund site cleanup exacerbates those community impacts is the crux of the issue that resulted in the Legislature passing HJR 34. In the draft report *Improving the State Superfund Process -HJR 34*, the EQC has reviewed and analyzed the state's superfund process and has made recommendations for improving the state superfund process.

Montana's trust lands...The Montana university system campuses are the beneficiaries of five separate land grants given by Congress at the time of statehood. The common schools are recipients of similar grants as well as the School for the Deaf and Blind, Pine Hills School, and the

Veterans' Trust. The Legislature has allowed DNRC to assess fees from the earnings realized from these trust lands to cover the expenses of administering these lands. Over the past decade, the legality of these assessments has come increasingly into question. The issue before the study subcommittee was whether it is advisable for DNRC to continue to receive funding from a percentage of the revenue received from the trusts as payment for their administration and management of the trust property. Results of the study are contained in the report *Financing the Administration of Montana's Trust Lands - A Review and Analysis of Federal Granting Legislation and Current Financing Methods*.

Water policy issues in Montana...The Environmental Quality Council is required by law (85-2-105, MCA) to provide water policy related oversight and guidance and to report to the Legislature on the interim activities in the water policy arena. In addition to the statutory requirements, the EQC also identified other areas of interest or concern related to water policy that were assigned for further review.

The primary issues that were addressed throughout the interim were: tracking the St. Mary's Canal Project and providing their support, updating the water adjudication chronology, providing a basic review of the domestic well exemption for filing for a water right, studying surface water/ground water interaction through the use of a work group, revising the *Water Rights in Montana* handbook, and tracking the water quality monitoring, assessment, and improvement (TMDL'S) program.

Contract timber harvesting study...Draft White Paper for HJR 33 assesses the feasibility of implementing contract logging as an additional marketing approach to selling timber on state trust lands in Montana. The white paper includes draft findings, recommendations, and draft legislation.

Split estate and coal bed methane study...The draft report of the HB790 subcommittee studying oil and gas regulations includes a bill draft that would make several changes to the Surface Damage and Disruption Act, Title 82, chapter 10, part 5. One proposal would lengthen from 10 days to 20 days the notice requirement that oil and gas developers or operators are required to give surface owners. The subcommittee also is proposing that the law require surface owners be given information on split estates and mineral development. Part of that recommendation is a brochure, which also is included in the report. To read the report go to: [http://leg.state.mt.us/css/lepo/2005\\_2006/](http://leg.state.mt.us/css/lepo/2005_2006/).

EQC and subcommittees meet in July...The next meeting of the EQC is July 18 in Helena. The subcommittees meet July 17. For more information please visit: [http://leg.state.mt.us/css/lepo/2005\\_2006/](http://leg.state.mt.us/css/lepo/2005_2006/) or contact Todd Everts at (406) 444-3747 or [teverts@mt.gov](mailto:teverts@mt.gov).

## ENERGY AND TELECOMMUNICATIONS COMMITTEE

Committee considers legislative proposals...The Energy and Telecommunications Interim Committee held its busiest meeting of the interim on April 20 and 21 in Helena. A panel discussed a possible rewrite of the electrical energy restructuring laws under Title 69, chapter 8. The Public Service Commission, the Montana Consumer Counsel, and NorthWestern Energy have been pushing to revise the laws on default electricity supply to allow NorthWestern to acquire generation assets. That concept will be included in a committee bill draft request (LC0037).

The committee has also requested bill drafts dealing with a tax credit for renewable energy bonds, the common carrier status of pipelines transporting carbon dioxide, and a property tax exemption for equipment used to capture, reuse, or sequester carbon.

The committee is also sending out for public comment a bill draft (LC0038) to create a state transmission authority.

Other committee activities...The committee took the following actions:

- directed staff to post on the committee's webpage a staff report on distributed energy generation for public comment; and
- voted to send a letter to the Board of Environmental Review urging the board to adopt standards on mercury emission that are no more stringent than federal standards.

The following reports were presented to the committee:

- an update on enhanced wireless 9-1-1;
- the status of several energy projects;
- an overview from the Governor's Office on regional energy planning initiatives;
- a panel discussion by industry representatives on the purchasing, refinement, and marketing of crude oil in Montana; and
- an update on a proposal to revise telecommunication laws.

For more information about the committee, contact Casey Barrs, committee staff, at (406) 444-3957 or cbarrs@mt.gov.

## EDUCATION AND LOCAL GOVERNMENT COMMITTEE

### Education and Local Government by the Numbers

- 12-13: The dates in June when the Education and Local Government Interim Committee (ELG) and its two subcommittees--Local Government and Postsecondary Education Policy and Budget--are scheduled to meet.
- 12: The date the subcommittees meet.
- 13: The date the full committee meets.
- 11: The number of the 2005 Senate Joint Resolution that requested a study of subdivision laws, which has been undertaken by a working group of land use planning professionals and representatives of organizations with an interest in land use planning. Members of the group will update the Local Government subcommittee on its progress in developing a consensus bill that amends laws dealing with zoning, annexation, subdivision exemptions, and other facets of land use planning. The group will also present areas on which members were not able to agree.
- 10: The number of the 2005 House Joint Resolution that requested a study of fire-related statutes and policies. On May 18, the Environmental Quality Council, which had been assigned the HJR 10 study, formally referred two portions of the HJR 10 study to the Local Government subcommittee: the wildland-urban interface and authority of fire chiefs under Title 7, chapter 33. Additional coverage of the HJR 10 study is on pp. 5 and 6.
- 41: The part in Title 7, chapter 33 of the Montana Code Annotated that addresses municipal fire departments. Included on the Local Government subcommittee's June 12 agenda is a discussion of classification of cities and towns as the classification relates to requirements for fire departments.
- 2007: The year when the 60th Legislature will convene. On June 13, the following agencies and organizations will discuss with the full ELG the proposals they are likely to bring to the 2007 Legislature:
  - the Office of Public Instruction;
  - the Board of Public Education;
  - The School for the Deaf and Blind;
  - the Historical Society;
  - the State Library;
  - the Commissioner of Higher Education;
  - The Montana Association of Counties; and
  - the Montana League of Cities and Towns

- \$71,568,415: The amount of the state's share of one-time and ongoing money for K-12 education contained in HB 1 and SB 1, enacted during the December 2005 special session. The

plaintiffs in the school funding lawsuit have been invited to ELG's June 13 meeting to discuss K-12 funding and their plans for the 2007 session.

1999: The year that the legislature enacted SB 11, which overhauled the interim committee structure and process and created ELG. Committee members will discuss the pros and cons of creating a new interim committee dedicated solely to education and combining local government with transportation.

444-3593: The number to call to reach Leanne Kurtz, ELG and Local Government subcommittee staff, for more information about the committees and June meeting agendas. She will also respond to emails sent to [lekurtz@mt.gov](mailto:lekurtz@mt.gov). Alan Peura is staff to PEPB and he can be reached at (406) 444-5387 or at [apeura@mt.gov](mailto:apeura@mt.gov).

## CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES COMMITTEE

Committee to meet early in June...The Children, Families, Health, and Human Services Interim Committee is meeting June 8 and 9 in Room 137 of the Capitol. David Ewer, the governor's budget director, and Joan Miles, director, Department of Public Health and Human Services, will discuss potential legislative proposals for the next session. The committee will also make some preliminary recommendations on the studies of child protective services and mental health crisis response. The Department of Corrections will provide an update on the new contracts for two methamphetamine treatment facilities to assist the committee in its work on methamphetamine issues. An agenda and meeting materials are available on the committee's webpage.

June 8 slated for committee work on assigned studies...On Thursday, June 8, the committee will work on its assigned study resolutions. As part of the SJR 37 study of child protective services, the Department of Public Health and Human Services will report on the Child and Family Services Division time study and on data collection related to cases with drug involvement. The committee will review CASA and Guardian Ad Litem training and standards, and listen to concerns about foster parents and liability coverage.

As part of the SJR 41 study of mental health crisis, the committee will review mental health issues and options, including the recent MHA hospital survey; the HB 395 study of county costs for commitment under 53-21-132, MCA; mental health insurance parity; certified mental health professionals; secure crisis stabilization; and a mental health system inventory and gap analysis.

Committee considers bill drafts to help grand-

parents...On Friday, June 9, the committee will receive a presentation on Grandparents Raising Grandchildren. The committee will consider three bill drafts that would provide grandparents a legal process for enrolling grandchildren in school, providing consent to medical care for grandchildren, and providing limited standing for caretaker relatives in certain cases when they are responsible for the care of children.

The committee will also hear reports on methamphetamine topics, including the state's capacity to treat meth addiction, the AMDD Best Practice Committee, the Montana Meth Project, and the effects of methamphetamine on pregnant women and on children.

Ways to Participate...If you want to participate in committee activities, contact Susan Byorth Fox at (406) 444-3597. If you want to be on the interested persons mailing list, you can subscribe for electronic notices on the committee's webpage or you can contact Fong Horn at (406) 444-0502 to be placed on the hard copy mailing list.

## MONTANA LEGISLATIVE REFERENCE CENTER

Need it? Find it @ a state agency library...Last month, I wrote about the many cool and innovative things librarians around Montana are doing. This month, I want to tell you about some wonderful libraries closer to home. At least, closer if your home is Helena. Montana state agency libraries, most in the capital city, offer a wealth of resources to their agencies, state employees, and the public. Professional research librarians and staff provide service, support, and assistance in accessing information for all Montana citizens investigating complex issues. Here are some of the libraries, their services, and collection information:

### Legislative Reference Center

State Capitol Building, Room 10,  
P.O. 201706, Helena, MT 59620-1706  
Phone: (406) 444-3598, Fax: (406) 444-2588  
Email: [leglib@mt.gov](mailto:leglib@mt.gov)  
URL: <http://leg.mt.gov>

The Legislative Reference Center provides reference and research assistance and interlibrary loan services to legislators, legislative staff, and members of the public. The collection contains information on topics of current concern to the Montana Legislature, including economic development, education finance, health care policy, gambling, privatization, property taxes, sales taxes, state employee compensation, state finances, and workers' compensation.

The reference center also offers access to Montana legislative materials, such as house and senate journals, session laws, and committee minutes. Materials published by



the Montana Legislative Services Division, along with interim committee work papers, are cataloged and archived. Publications from the National Conference of State Legislatures and from legislative agencies in other states form a major part of the collection. Contact Lisa

Mecklenberg Jackson, legislative librarian, for research of any kind.

#### **Montana State Library**

1515 East Sixth Avenue / P.O. Box 201800  
Helena, MT 59620-1800  
Phone: (406) 444-3115, Fax: (406) 444-0266  
Email: mslreference@mt.gov  
URL: <http://msl.mt.gov>

The Montana State Library serves the work-related, informational needs of state employees in partnership with the other more specialized agency libraries. Collection strengths include electronic journals and references related to natural resources; environment and conservation; government; health and social services; information science and technology; librarianship and library development; and personnel management. The library circulates resources to the public.

The library maintains a permanent comprehensive collection of state publications and an inventory of federal publications selected for their pertinence to Montana state government.

The library's Talking Book Library provides direct library service to Montana citizens with visual and other disabilities.

The Library's Natural Resource Information System provides GIS (geographic information system) mapping, technical assistance and access to geospatial data, and research information concerning Montana's climate, water, plant, and wildlife resources.

#### **Office of Public Instruction Resource Center**

1300 Eleventh Avenue / P.O. Box 202501  
Helena, MT 59620-2501  
Phone: (406) 444-2082, Fax: (406) 444-3924  
Email: [rwilliard@mt.gov](mailto:rwilliard@mt.gov)  
URL: <http://opi.mt.gov>

The Resource Center's mission is to meet the work-related information needs of the Office of Public Instruction. The scope of the collection encompasses K-12 education, education policy, and education finance. It does not include curriculum materials or textbooks.

The primary clients are OPI staff; secondary clients are Montana educators, parents, and the general public.

The Resource Center does not loan materials directly to the public, but will lend materials to other libraries through interlibrary loan. The OPI posts all of its own publications to the OPI website.

#### **State Law Library**

215 N Sanders / P.O. Box 203004  
Helena, MT 59620-3004  
Phone: (406) 444-3660, Fax: (406) 444-3603  
Email: [mtlawlibrary@mt.gov](mailto:mtlawlibrary@mt.gov)  
URL: <http://courts.mt.gov/library>

The State Law Library is Montana's only public law library. The library provides access to dozens of databases

for legal research. The library also has seven public Internet stations.

The library's 180,000 volume collection includes: Montana's Territorial and state laws, regulations, and appellate court opinions; session laws; attorney general's opinions; statutes and state bar publications from all 50 states; and a complete collection of federal law.

Thousands of compiled legislative histories are also available. The library collection circulates materials to the public.

The library's website provides links to legal forms and suggestions for research on dozens of topics. Montana Supreme Court opinions are posted on the same day that they are released. Appellate briefs filed before the court are scanned and are available electronically. Court rules and jury instructions are also available.

#### **Department of Natural Resources and Conservation Library**

1424 Ninth Avenue / P.O. Box 201601  
Helena, MT 59620-1601  
Phone: (406) 444-6611, Fax: (406) 444-0533  
Email:  
URL: <http://dnrc.mt.gov>

The library's collection consists of engineering and water resources, located in the Water Resources Division, and a geology collection, located in the Water Management Bureau. It is a circulating library to central and regional office staff, but it does not circulate materials to the general public. However, the public may use the collection in the library.

The Water Library contains reference material on water policy, legislation, and regulation; water resources management and use; and river basin management.

#### **Department of Environmental Quality Planning Division Library**

1520 East Sixth Avenue / P.O. Box 200901  
Helena, MT 59620-0901  
Phone: (406) 444-6697, Fax: (406) 444-6836  
Email: [parroues@mt.gov](mailto:parroues@mt.gov)  
URL: <http://deq.mt.gov>

The DEQ Planning Division Library serves DEQ staff and associated personnel. The collection assists staff in dealing with issues on water quality and standards, including drinking water and wastewater. The collection does not circulate material to the public, but material may be used in

the library.

**Department of Transportation Research Library**

2701 Prospect Avenue / P.O. 201001  
Helena, MT 59620-1001  
Phone: (406) 444-6338 or (406) 444-7693  
Fax: (406) 444-7204  
Email: jnydegger@mt.gov  
URL: <http://mdt.mt.gov/research>

The Department of Transportation Research Library maintains a collection of approximately 15,000 titles on various topics including transportation, engineering, personnel development, and environment.

Patrons include state agencies, other states, legislators, contractors, consultants, and the public. The library circulates resources to the public.

**Montana Fish, Wildlife and Parks**

Fisheries Division Library  
1420 East Sixth Avenue / P.O. Box 200701  
Helena, MT 59620-0701  
Phone: (406) 444-3175, Fax: (406) 444-4952  
Email: fwpfsh@mt.gov  
URL: <http://fwp.mt.gov/insidewfp/fwplibrary>

The Montana Fish, Wildlife and Parks Library serves FWP employees and consists of reports by FWP biologists on Montana's 22 major drainages and on specific subjects, such as fish species. FWP publications are available to the public at the Montana State Library.

The library also contains management plans, in-stream flow publications, archives, publications by other agencies on the 22 drainages, journals and serials, Dingell-Johnson reports, and a thesis collection for use by departmental personnel. The library also provides access to historical fish reports.

**Montana Historical Society Research Center**

225 N. Roberts Street / P.O. Box 201201  
Helena, MT 59620-1201  
Phone: (406) 444-2681, Fax: (406) 444-5297  
Email: mhslibrary@mt.gov  
URL: <http://montanahistoricalsociety.org>

The MHS Research Center serves the general public, state agency employees, academic researchers, students, and genealogists.

The MHS Research Center is a special collections facility, which collects published and unpublished materials that reflect and document the history and prehistory of Montana and the region.

The collection consists of state documents, books, archival records and oral histories, manuscript collections, legislative records, historic photographs, and maps.

The MHS Research Center also holds 95 percent of the newspapers published in Montana, both historic and current.

The library does not circulate material to the public but material may be used in the library.

**Census and Economic Information Center**

Montana Department of Commerce  
301 South Park Avenue / P.O. Box 200505  
Helena, MT 59620-0505  
Phone: (406) 841-2739, Fax: (406) 841-2741  
Email: ceic@mt.gov  
URL: <http://ceic.mt.gov>

The Census and Economic Information Center provides state employees access to and education on using census, economic, geographic, and business data for Montana from a variety of federal and state statistical resources.

The center provides training and assistance with the development of geographic information system applications utilizing census data and access to GIS technical support.

Patrons have access to Montana data and thematic maps, and may have a custom data map created for a specific project. The library does not circulate resources to the public.

The collection includes historical, demographic and economic data, current electronic (DVD/CD), and print documents.

Legislators who want to get information from any of these libraries should contact Lisa Mecklenberg Jackson at [ljackson@mt.gov](mailto:ljackson@mt.gov) or (406) 444-2957.

## THE BACK PAGE

### MY LIFE AS A LOCKER ROOM ATTENDANT

By Krista Lee Evans  
Legislative Research Analyst

As a college graduate and a woman who wanted a professional career, I never thought that my true calling would be to serve as family athletic director and locker room attendant.

I began my professional career working diligently and putting my Type A personality to work on every task that came up, occasionally to the chagrin of my coworkers. I have moved on, and hopefully up, from different jobs in natural resources and now work as a research analyst for the Montana Legislature. I love my job with the Legislature and the challenges that it provides.

I had my life's plan carefully sketched out in my mind. I envisioned a well-paying job, a husband, a family, a dog, a cat, a house, etc, etc, etc. Well, I got my dream. I am working in a job that I love and I am married with three children. I am blessed with a husband who is a football and track coach and three children who each have a Y chromosome. Motherhood started out calmly and serenely, and I managed quite well--the laundry was done before it flowed out of the hamper and the dishes were washed and the house picked up every night before bedtime.

Then my children reached the age of Sports. For those of you not familiar with "the age of Sports," it begins when your first-born starts playing baseball, football, soccer, hockey, or some other organized sport and may last until your youngest child leaves home. For us it began when my oldest son was 10, my middle son was 4, and the youngest was 2. When just one child is participating in sports, going to games is fun and usually involves a minimal amount of time for the parents. When two children are participating, being involved is doable but a bit more stressful--I can't imagine what it will be like when all three of my boys are in sports.

My husband coaches the kids sports as well as two sports at a local high school, so I had to assume the role of the Evans family athletic director and locker room attendant. Do I enjoy watching my boys play sports? Of course. Will I survive? I hope so.

You would be amazed at the kind of skills you learn as the family athletic director and locker room attendant. While filling out a job application recently, I thought about including family time management as one of my "special skills". I decided against it, of course, but I do believe those skills are applicable. Managing a household of very busy people certainly develops skills--you either figure it out, or eventually you get a call from the principal wondering why you sent your kid to school in his pajamas.

I recently became an SUV driving Mom rather than a Van driving Mom--good choice with gas prices what they are, but what's done is done. Why does this matter? It matters because now I can haul the batting T, the bag of T-balls, about 50 bats, the catchers gear, the drinks and snacks, lawn chairs for myself and Grandma and Papa, and--my children. The most important time management skill I learned is if you don't take stuff out of the rig, you won't forget it for the next game. On the other hand, it is a good idea to clean out the rig before the next season. I searched high and low for the 4-year-old's wrestling singlet so I could wash it and put it away for next season. Couldn't find it anywhere--I even had him looking under his bed. Low and behold--it was in the rig! Lesson to be learned--the most efficient managers finish one project before starting the next (or at least clean up a little bit in between). Those of you who have seen me at committee meetings with folders and folders of "important information" now know why I can't seem to leave anything in my office.

I am slowly training my young men to at least try to hit the laundry basket with their game apparel--or at least practice rebounding and loose ball skills--before racing off to play in the dirt and mud outside. Uniforms have to be washed by the next game. With games four nights a week, getting everything washed is a challenge. But I've learned something: Don't sweat the small stuff. I admit I've sent my son to his next game wearing a dirty uniform. I don't think any of the other kids noticed, and heaven forbid if one of the other Moms did. Guess I still need to work on my family's workload management system.

Teamwork is a concept that my husband and I have brought into our home. Our boys "get" the idea of teamwork when they are playing sports. They may be part of a team during the sports seasons but for every other day and for the rest of their lives our family is "the team". Each member plays a role on the team and has a responsibility to the rest of the team. These roles change as goals and expectations are rearranged--but everyone has a role. If one of the team members drops the ball, then it is up to the rest of us to help them out and keep the team together and working toward our common goal (in my case that is often my sanity). There is no reason that the same approach can't be applied in my professional career. I view myself as a part of a team with specific obligations to that team.

Being a locker room attendant is a very rewarding experience, and it is teaching me skills that I'm not sure I would have learned as well or as quickly had they been taught in a different way. I have applied the things I've learned as a locker room attendant to my job, proving you can learn about life and develop professional skills from the most unlikely sources.

Many parents have experienced what I am describing. My approach is to apply the lessons that I learn as the locker room attendant to the other parts of my life, including my job.

Sometimes we take ourselves and our responsibilities so seriously that we don't take time to enjoy and learn from our experiences. No matter what new challenge comes up, my

goal is to use each challenge to become a better person. If my locker room attendant position doesn't push me over the edge--that just might happen.



# INTERIM CALENDAR

UNLESS OTHERWISE SPECIFIED, ALL ROOM DESIGNATIONS ARE IN THE CAPITOL

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
June 2006						
				1	2	3
4	5	6	7	8 Legislative Finance Committee, Room 102, 1 p.m.  Children, Families, Health, and Human Services Committee, Room 137	9 Legislative Finance Committee, Room 102, 8 a.m.  Children, Families, Health, and Human Services Committee, Room 137	10
11	12 Postsecondary Education Policy and Budget subcommittee, Room 137, 8:30 a.m.  Local Government subcommittee	13 Education and Local Government Committee	14	15	16	17
18	19	20 Legislative Audit Committee	21	22 State Administration and Veterans' Affairs Committee	23 State Administration and Veterans' Affairs Committee	24
25	26	27	28	29 Revenue and Transportation Committee, Room 137 (tentative)	30 Revenue and Transportation Committee, Room 137	

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
July 2006						1
2	3	4	5	6	7	8
9	10	11	12	13	14 Economic Affairs Committee, Room 102, 8:30 a.m.	15
16	17EQC subcom- mittees:  Study subcom- mittee, Rm 102  HB 790 Study sub- committee, Rm 137  Agency Oversight Subcomm., Rm 172	18 Environmental Quality Council, Room 102	19	20	21	22
23	24 State-Tribal Rela- tions Committee	25 State-Tribal Rela- tions Committee	26	27	28	29
30	31					



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